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wherein the insulating element further comprises at least one duct extending from an inside face of the insulating element along an axis defined by the stator winding.

REMARKS

Reconsideration of the pending claims is respectfully requested in light of the foregoing amendments and following remarks.

A. Status Of Pending Claims And Explanation Of Amendments

Claims 1-9 and 13-20 are pending in this application. By this office action, claims 18-20 have been withdrawn from consideration. The indication of patentable subject matter in claim 3 is acknowledged with appreciation. New independent claim 21 has been added, which recites "wherein the insulating element further comprises at least one duct extending from an inside face of the insulating element along an axis defined by the stator winding." Support for this claim is found throughout the specification and in particular at Figure 1. No new matter was added. Allowance is respectfully requested.

Claims 5-6, 8, 13-14 and 17 were rejected under 35 U.S.C. § 112 as allegedly being indefinite. See Office Action at pp. 2-3. Claims 1-2, 4-9 and 13-17 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 3,002,119 to Lindstrom ("Lindstrom") in view of U.S. Patent No. 2,583,804 to Andrus ("Andrus").

B. Claims 5-6, 8, 13-14 And 17 Are Definite

The rejection of claims 5-6, 8, 13-14 and 17 under 35 U.S.C. §112 as allegedly being indefinite is respectfully traversed.

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The Examiner was confused by language in claims 5-6 and 13-14 describing the positioning of the insulating element, the case and the winding. The claim language at issue recites “insulating element is interposed between the case and the winding radially relative to an axis of the stator.”

This language, it is asserted, would be understood by one skilled in the art. The stator, according to the claim, defines an axis. The term “radially” conventionally refers to a direction perpendicular to the axis.

Thus, the plain meaning of the above claim language is that the insulating element is “radially” “interposed between” the case and the winding. That configuration is shown in Figure 1, which is but one of many possible embodiments of the present invention. Reference to the above Figure is not meant to be limiting, as it is the claims that define the scope of the invention and not the proffered embodiments.

As discussed above, claims 5-6 and 13-14 are definite and would be understood by one skilled in the art. Reconsideration is requested.

The Examiner is also confused by language in claims 8 and 17 which recites “indexing portion enabling the angular position of the stator around an axis of the stator to be identified.” The term “the angular position” has been amended to correct the antecedent basis. Further, the Examiner is unclear what the structural relationship of the “indexing portion” that “enables the angular position of the stator” to be identified. See Office Action at p.3. The comment in the Office Action implies that the breadth of the claim is the source of the rejection, rather than the alleged indefiniteness. As a matter of law, that rationale is improper. See, generally, MPEP §2173.04.

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As would be understood by one skilled in the art, a variety of structures could be provided to identify the angular position of the stator. In one particular embodiment, shown in Figures 1 and 3, a stud (28) is provided on the insulating element. Because the insulating element is interposed between the case and the stator, the stud provides an indication of the angular position of the stator relative to the case. The reference to the above Figure is illustrative. As we said before, the claims define the invention and the reference to a particular Figure is not meant to be limiting.

C. Claims 1, 2, 4-9 And 13-17 Are Patentably
Distinct From Lindstrom And Andrus

The rejection of claims 1, 2, 4-9 and 13-17 under 35 U.S.C. §103(a) as being unpatentable over Lindstrom in view of Andrus is respectfully traversed.

Applicant's claim recites

1. A vehicle alternator comprising

a case,

a stator winding, and

an electrically-insulating element interposed
between the case and the winding, the insulating element
being a solid body mounted on one of the case and the
winding,

wherein the insulating element has at least one duct
extending through an orifice in the case.

As discussed below, neither Lindstrom nor Andrus teaches, discloses or suggests “wherein the insulating element has at least one duct extending through an orifice in the case.” For at least this reason, the rejection is improper. MPEP §2143.03.

1. Lindstrom

The Examiner admits that Lindstrom fails to teach, disclose or suggest” wherein the insulating element has at least one duct extending through an orifice in the case” as recited in claim 1.

2. Andrus

The Office Action alleges that Andrus “teaches an insulator element (3) having duct (18) that extends through the casing.” 8/1/01 Office Action at p.4. Respectfully, that allegation is incorrect.

Andrus is directed to a motor winding having an anchor member (3) which allegedly corresponds to Applicant’s insulating element. Andrus describes that his anchor member (3) is “in the form of a continuous ring.” Col. 2, lines 5-9 (emphasis added). As clearly shown in Andrus’ Figure 3, the anchor element is a continuous ring. A separate “sleeve” (13) may be provided to be held against the anchor (3). In other words, Andrus’ anchor element does not have a “duct extending” through anything.

Moreover, Applicant’s claim 1 recites that the “duct extend[] through an orifice in the case.” The Office Action neglects to identify Andrus’ case.

In fact, Andrus’ motor winding does not include a “case” as recited in Applicant’s claim 1. At best a varnish coating (14) is provided over the end coils (2). Col. 2, lines 38-41.

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As discussed in Applicant's specification, such a varnish would abrade over time due to vibrations. Specification at p.1, lines 12-16. Accordingly, Andrus, like Lindstrom, fails to teach, disclose or suggest "wherein the insulating element has at least one duct extending through an orifice in the case" as recited in Applicant's claim 1.

For at least the above reasons, independent claim 1 and dependent claims 2-9 and 13-17 are patentably distinct from the cited references.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the pending claims are in condition for allowance. In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,
MORGAN & FINNEGAN

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By: _____



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APPENDIX
(Claims with changes shown)

Please add the following new claim:

--21 (new). An alternator comprising:

a case having at least one orifice;

a stator winding;

an insulating element disposed between the case and the winding;

wherein the insulating element further comprises at least one duct extending from an inside face of the insulating element along an axis defined by the stator winding.--